

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

MICHAEL HOWARD REED,)	
)	
Petitioner,)	
vs.)	Case No. 2:15-cv-00212-JMS-MJD
)	
LEANN LARIVA, Warden,)	
)	
Respondent.)	

Entry Directing Further Proceedings

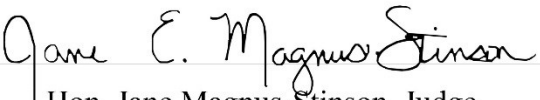
Michael Howard Reed is confined in this District and brings this action pursuant to 28 U.S.C. § 2241 challenging his conviction for possessing a firearm and ammunition while he was a fugitive from justice. That conviction was entered in the United States District Court for the District of North Dakota in No. 4:09-cr-0076-DLH-1. The conviction was affirmed on appeal by the Eighth Circuit Court of Appeals in No. 10-2010 on March 23, 2011.

Reed may seek a remedy under § 2241 only if a motion under § 28 U.S.C. § 2255 was or would be inadequate or ineffective to bring his habeas claim. 28 U.S.C. § 2255(e). His habeas claim appears to be that he is actually innocent of the offense of which he was convicted because there was insufficient evidence to support the jury's verdict. To satisfy § 2255(e), Reed's claim for relief must (1) rely on a new, retroactive case not available when he moved under 28 U.S.C. § 2255 that (2) interprets a statute in a way that (3) decriminalizes the crime of conviction. *See Brown v. Rios*, 696 F.3d 638, 640 (7th Cir. 2012); *In re Davenport*, 147 F.3d 605, 610–12 (7th Cir. 1998).

Reed shall have **through August 10, 2015** in which to show how he can satisfy the foregoing standard to proceed with his challenge pursuant to 28 U.S.C. § 2241.

IT IS SO ORDERED.

Date: 07/16/2015



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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